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**SPRING LAKE TOWNSHIP
PLANNING COMMISSION MINUTES
JULY 15, 2020 – REGULAR MEETING**

PRESENT: Harry Dyck, Jack Ketchum, Greg Latsch, Crystal Morgan, Jerry Rabideau, Russ Tiles
ABSENT: David Rumpel
PARTICIPANTS: Lukas Hill, Township Community Development Director
Ron Bultje, Township Attorney

Pursuant to Executive Order No. 2020 – 129, the Township of Spring Lake Planning Commission conducted its business via conference call to mitigate the spread of COVID-19. Members of the public were encouraged to dial in to this meeting. Members of the public were not required to register or otherwise provide information to attend.

A. Call to Order

Latsch called the meeting to order at 7:00 pm.

B. Approval of Agenda

Ketchum made a motion, support by Rabideau, to approve the agenda as presented. The motion passed unanimously.

C. Approval of Minutes

Ketchum made a motion, support by Dyck to adopt the Planning Commission June 17, 2020 regular meeting minutes as presented. A roll call vote was taken and the motion passed unanimously. Ketchum made a motion, support by Dyck to adopt the Planning Commission June 24, 2020 special meeting minutes as presented. A roll call vote was taken and the motion passed unanimously.

D. Public Comments

A time for public comment was provided. No comments were offered.

E. Legacy Point PUD - Proposed amendment to the PUD to allow construction of a dwelling unit on Unit 11 utilizing a private septic system

Latsch requested clarification of the issue that was before the Planning Commission. Hill stated that the issue is to consider a request to amend the PUD to allow Unit 11, also known as Lot 19, to be

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constructed upon with a private septic system. The current PUD contract requires connection to the public sewer system before the lot can be built upon. The current action is a preliminary PUD review. The Planning Commission will make a recommendation to the Township Board of Trustees, who will hold a public hearing and will make a decision. The Planning Commission could then request a final PUD review after the Board action, but as this request is not a full PUD development this requirement could be waived.

Bultje stated that there is one statement in the PUD contract about Lot 19. The request is to change this condition in the contract. It is clear from the contract that Unit 11 and Lot 19 refer to the same piece of land.

Ben Stoep presented updated information on the PUD amendment request, addressing issues which were brought up at the last Planning Commission meeting. He stated that he had submitted a detailed letter, dated June 29, 2020, to Commissioners.

Betty Wachter, owner of Lot 11, discussed a drawing from Westshore Engineering showing runoff from a parcel that is not part of the PUD. She questioned her responsibility for this runoff. Latsch stated that runoff is not really a consideration for this discussion, unless Wachter felt the issue was pertinent for the septic system discussion.

Wachter stated that Randy Crow has previously stated that everything was fine for 22 years, but now there is a problem. Wachter stated that there was a large storm that was a problem for a lot of people.

Hill stated that the relevancy of the runoff to the stormwater question is that the stormwater system partially encapsulates Unit 11, and there is a question of how the runoff affects the function of a septic system. Matthew Allen, Ottawa County Department of Public Health, and Joe Bush, Ottawa County Water Resources Commissioner, have concerns about this issue. The Township is sure the system that was originally approved has not been installed, and it is not known how the installation of this system will affect Unit 11.

Jim Milanowski, engineer, stated that he was involved with the Kungsholm subdivision development and the sewer restriction was added to lots 16, 7, 18 and 19. Because Lot 19 was included in the PUD, the condition carried over to the contract. Lots 16, 17 and 18 have been built on without a sewer. The developers were forced by the Township to install a sewer line in Legacy Point and this line has been sitting dry for 20 years.

Bill Sininger, representing Randy and Abby Crow, and Steven and Carly Crow, who own lots 15, 16, 17 and 18, stated that the stormwater system that was supposed to be built was not built. Systems are put in to handle high water as evidenced by historical data. A new engineering study would need to be conducted to redesign the stormwater system to meet the conditions today. Also, this issue won't affect most of Legacy Point, as their properties are higher than Lot 19. His clients are downhill and already have *E. coli* contamination without the addition of a septic system.

Nic Morano, representing Carol Brocci, stated the he agreed with Siniger. As the Planning Commission is dealing with a PUD amendment, the request is subject to the review standards, including how the amendment affects the health, safety and welfare of the neighbors. He had Schultz

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Land and Water Consulting look at the site and they raised issues with changing the requirement. Morano agrees that there would need to be studies to determine the total impact of the stormwater system and the septic system.

Jim Milanowski stated that Unit 11 was issued a permit for a septic system and it meets the standards. That permit has been rescinded due to the term in the contract. When the septic permit was issued, Wachter signed a new deed restriction related to maintenance of the septic system. Also, he stated he lives across the street from the Crow property and has had flooding in his basement for the first time in 41 years.

Kim Hammond, resident of Legacy Point and representing Legacy Point neighbors and other neighbors of the PUD, stated that they all oppose this PUD amendment. The intent of the condition in the contract was to protect Spring Lake, and that need still stands. The residents of Legacy Point have agreed to hook up to the sewer system when it is available.

Jerry Koronkiewicz, 18831 Legacy Point, stated he is concerned about the covenants put on the new septic system. The system requires annual inspections, and should that not happen, or if the system fails, it will be a blight on all of Legacy Point.

Randy Crow, 18779 N Fruitport Rd, stated that he agrees with Koronkiewicz. There is a lot of discussion about septic systems. However, the approved raised septic system is prone to failure. The septic system would be right on the lot line for Lot 19 and failure of the system would affect the neighbors. The Ottawa County Department of Public Health stated they did not realize the septic system was on the lot line. Lot 19 was designed to hold all runoff from Legacy Point. It is not currently containing all the runoff. The contamination detected on the Crow lot was not caused by his own actions.

Commissioners discussed the request.

Rabideau asked if the Kungsholm lots 15, 16, 17 and 18 were combined to allow for septic systems. Hill stated that the lots have been combined so there are only two dwelling units, rather than four. He does not know if the reason for the lot combination was for the septic systems. These lots are well over one acre in size.

Ketchum stated that the many consulting firms who have submitted reports all agree that a septic system on this size lot is a problem. The Board requires one-acre lots for septic systems. This decision seems to be supported by the consulting firms. Ketchum stated he supports the one-acre requirement, so therefore he does not support this PUD amendment.

Latsch stated that the Board's policies and actions show a high concern for protecting the Township's water.

Morgan asked the size of Unit 11. Tiles stated that per Ottawa County GIS, it is 0.33 acres in size. Morgan stated she agrees with the rationale for restrictions on septic systems on small lots. Also, the stormwater retention system is relevant because it was a condition of approval. To the extent that it was not constructed, it is not appropriate to amend the PUD until the developer is in compliance with the original approvals. She stated that she has concerns about a septic system on the lot after the

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stormwater system is constructed. However, she would rely on the opinions of professionals about the type of system to be approved. Unit 11 is not in compliance, and until it is in compliance there is not enough information to determine if the amendment is a good idea.

Bultje stated that he could prepare a report to reference the PUD criteria and opinions of experts to be considered at the next meeting. Alternatively, Commissioners could propose a motion referencing the emails and opinions.

Bultje stated that the Planning Commission and Board in 1999 included the condition requiring a sewer connection in the contract. It was added as a new condition stating that septic is not appropriate, and they did not just rely on the Kungsholm subdivision restrictive covenant. This gives additional weight to the condition in the contract.

Morgan stated she prefers a report and resolution for the Board.

Rabideau stated that he agrees that having a report that includes all the information including the original PUD documents will give the Board a complete picture of the issue. He would like the stormwater issue addressed as part of the report. He is concerned about the watershed, and this property is very close to Spring Lake.

Motion by Morgan, support by Ketchum, to request that staff prepare a written resolution and report for the Planning Commission to review at its August meeting. A roll call vote was taken and the motion passed unanimously.

F. Commissioner Comments

1. Township Board: The North Bank Trail culvert repair is complete and the trail is complete to Nunica. The Board is doing well with the COVID issue. No first responders have been infected, and financially the Township is okay.
2. ZBA: There was a request from one property owner for a variance for retaining walls that do not meet the standard, and for an authorization for a waterfront deck. These issues both resulted from extreme erosion on the property and both were approved.
3. Community Development Director: The self-storage text amendment was not approved by the Board. They expressed concerns with some of the language including outdoor storage, and how it would be consistent with other self-storage facilities in the Township. Other items of concern included the allowance for a dwelling unit on the site and the length of the buildings. Hill will prepare a memo for the Planning Commission to review. Hill stated he discussed procedures with the Township Manager regarding how to handle ordinance changes. If the Board does not support the concept the Planning Commission will not put in as much work. Rabideau stated that the Board commends the Planning Commission efforts on the text amendment.

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G. Adjournment

Ketchum moved to adjourn the meeting at 8:16pm. Latsch seconded the motion, which passed unanimously.

Respectfully submitted,

Jack Ketchum, Secretary
Planning Commission